

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE ESTATE OF STANLEY ZURAWSKI,)
By and through his Administrator and)
Representative, DEBRA ALAVI,)
Plaintiff,) Civil Action Number
vs.) 07 C 6221
vs.)
MANORCARE HEALTH SERVICES, INC.,)
D/B/A MANORCARE AT WESTMONT AND)
SUNRISE SENIOR LIVING SERVICES, INC.)
D/B/A BRIGHTON GARDENS OF BURR)
RIDGE,)
Defendants.)
Judge Joan Gottschall
)

AGREED STIPULATION
OF VOLUNTARY DISMISSAL OF ACTION WITHOUT PREJUDICE AND WITH THE
RIGHT TO RE-FILE ACTION WITHIN APPLICABLE STATUTE OF LIMITATIONS
PURSUANT TO RULE 41 (a) (2) OF THE FEDERAL RULES OF CIVIL PROCEDURE

NOW COMES, the Plaintiff, THE ESTATE OF STANLEY ZURAWSKI, by and through his Administrator and Representative, DEBRA ALAVI, and through their attorney, RIGAZIO LAW OFFICE and THE HEALY LAW FIRM and the Defendants, SUNRISE SENIOR LIVING SERVICES, INC. by and through its attorneys, PRETZEL & STOUFFER, CHARTERED, and MANORCARE HEALTH SERVICES, INC., by and through its attorneys, MCVEY & PARSKY, LLC., and submit the following AGREED STIPULATION WITHOUT PREJUDICE AND WITH THE RIGHT TO RE-FILE WITHIN THE APPLICABLE STATUTE OF LIMITATIONS PURSUANT TO RULE 41 (a) (2) , OF THE FEDERAL RULES OF CIVIL PROCEDURE, and state as follows:

1. This is a personal injury case involving care and treatment rendered to the Decedent, STANLEY ZURAWSKI, at the defendant nursing homes. The jurisdiction in this Court is based on the diversity of the parties. The Plaintiff alleges that the Defendants failed to properly treat STANLEY ZURAWSKI such that he developed pressure sores and a deep vein thrombosis which caused or contributed to his death. The Defendants deny that their care and

treatment was negligent and deny that they caused or contributed to the injuries or death of the Plaintiff, STANLEY ZURAWSKI.

2. Plaintiff moves to voluntarily dismiss this case without prejudice while retaining the right to re-file the action within the applicable statute or limitations.

3. Defendant, SUNRISE SENIOR LIVING SERVICES, INC., has no objection to the voluntary dismissal of the action without prejudice and understands that the Plaintiff will retain the right to re-file the action with the applicable statute of limitations.

4. Defendant, MANORCARE HEALTH SERVICES, INC., has no objection to the voluntary dismissal of the action without prejudice and understands that the Plaintiff will retain the right to re-file the action within the applicable statute of limitations.

WHEREFORE, THE ESTATE OF STANLEY ZURAWSKI, by and through his Administrator and Representative, DEBRA ALAVI, and by and through their attorneys Mark W. Rigazio of the RIGAZIO LAW OFFICE and David P. Huber of THE HEALY LAW FIRM, and Defendants, SUNRISE SENIOR LIVING SERVICES, INC., by and through its attorneys, PRETZEL & STOUFFER, CHARTERED, and MANORCARE HEALTH SERVICES, INC., by and through its attorneys, MCVEY & PARSKY, LLC., requests this Honorable Court enter an Order dismissing the present action without prejudice and with the right to refile within the statute of limitations pursuant to Rule 41 (a) (2) of the Federal Rules of Civil Procedure.

Respectfully submitted,

THE ESTATE OF STANLEY ZURAWSKI,
By and through his Administrator and
Representative, DEBRA ALAVI,
Plaintiff

/s/ Mark W. Rigazio

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Defendant, SUNRISE SENIOR LIVING SERVICES, INC. by its attorneys PRETZEL & STOUFFER, CHARTERED

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Defendant, MANORCARE HEALTH SERVICES, INC.

By: /s/ Daniel P. Kramer

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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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